

**Town of La Pointe Zoning  
Town Plan Commission Special Monthly Meeting Minutes  
Wednesday, November 11, 2009**

**Town Plan Commission (TPC) Members Present:** Ted Pallas; Chair, Charles Brummer; Vice-Chair, Larry Whalen, Greg Thury (arrives at 5:10), Suellen Soucek, Ron Madich, Carey Baxter (7)

**Town Plan Commission Members Absent:** None

**Public Present:** Paul Brummer (1)

**Town Staff Members Present:** Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

**I. Call to Order/Roll Call**

Chair, T. Pallas called the meeting to order at 5 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

**II. Public Comment**

None.

**III. Approval of Previous Meeting Minutes:**

**a. Town Plan Commission Regular Monthly Meeting, October 21, 2009**

Change "September" to "October" at head of minutes.

C. Brummer moves to approve minutes of TPC regular monthly meeting of 10/21/2009 as corrected. S. Soucek seconds. All in favor, 7 aye. Motion carries.

**b. Town Plan Commission Workshop October 29, 2009**

Add C. Baxter and G. Thury to members present.

On page 2, in section a.2.2, change "...shall require town and land use permits (where applicable)..." to read "shall require town land use permits *and Ashland County Building Permits* (where applicable)...."

On page 2, in section 4.4 Shoreland Regulations, discussion of using "shoreland" or "shoreline." Decision to revisit at workshop.

*(G. Thury arrives at 5:10 pm)*

C. Brummer moves to approve minutes of the TPC workshop of 10/29/09 as amended. S. Soucek seconds. All in favor, 7 aye. Motion carries.

**IV. Zoning Administrator's Report**

- The ZA has been following The Wisconsin State Legislature's ongoing revision of the Shoreline Ordinance. Language has been added regarding how much impervious surface is allowed on properties, etc, but revision is not complete.
- The ZA spoke to the Town Board on Tuesday 11/10/09 about the Zoning Ordinance revision regarding the moratorium items. ZA believes language will have been drafted regarding these items, but doesn't believe there's a possibility of it being active in the Zoning Ordinance in time. The Town Board didn't have a problem with an extension as long as new words are in the works, and extending the moratorium will be on a future Town Board agenda based on where TPC is with the process.
- Lots of new houses: ZA believes more houses approved in last month than in rest of year. Consensus that this is good news for island.
- The Town Board did approve the increase in hours for the Zoning Clerical Assistant position, from 599 hours per year to 799 hours per year for 2010. The ZA plans to bring

Zoning office up to date with a uniform filing system and thorough database in electronic format for ease of accessibility for the public and the ZA.

V. **Consideration and/or Action of Permit Applications:**

a. **Coffin, John RE: CSM to divide 10.2 acres from 58.74-acre parcel #014-00315-0100 at Amundsen Ln.**

The subdivision will create two parcels; current map doesn't include the 49.47-acre remnant remaining after division. Revised map must show and describe division of the entire 58.74 parcel. All existing features and buildings must be shown.

C. Brummer moves to send map back to Nelson Surveying to make corrections suggested by ZA in the CSM review. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

b. **Woods, Thomas and Marcy Re: after-the-fact permit application for Addition/Alteration at 908 Nebraska Row**

Per motion at last TPC meeting requiring survey of property, Nelson Surveying did research and found the 1956 re-plat of the property. In 1956 there weren't requirements for recording surveys, which is why it wasn't at the Register of Deeds. A registered land surveyor did the boundary survey. J. Croonborg, ZA did approve the Ashland County permit application, as the County has a zero sideyard setback in the *Shoreland Zone served by municipal sewer*. However, part of wall, stairs, and chimney of the addition do not meet the town's 10 ft Sideyard setback in the R-2 district. Discussion. Agreement that ordinances have to be abided by, and not following ordinance would create a bad precedent. Chair Pallas asks if they would be able to appeal, is told definitely by ZA, and that she will send Mr. Woods a letter informing him of his right to appeal.

G. Thury moves that the TPC deny the after-the-fact permit application at 908 Nebraska Row and direct the ZA to send Tom Woods a letter directing him to remove the fireplace chimney from the east wall of the house and the parts of the wall that are outside setbacks. S. Soucek seconds. All in favor, 6 aye, 1 abstain (C. Brummer). Motion carries.

c. **Winston, Frederick RE: CSM to divide 15-acre parcel #014-00009-1500 at 131 Old Fort Rd.**

The ZA presents errors/omissions on CSM to be corrected. The remnant ~12.5 acres to be created must be shown; all existing buildings and features pertinent to *property* divisions must be shown; the area on map designated as Indian Burial Grounds must be shown to be tax exempt and unbuildable.

C. Brummer moves to refer map back to Nelson Surveying to make the appropriate changes as listed by the ZA in her CSM review. G. Thury seconds. All in favor, 7 aye. Motion carries.

d. **Madeline Sanitary District RE 1140 square foot Office and Storage building at 942 Snow Place Lane.**

The Madeline Sanitary District (MSD) site for the proposed building is in the W-1 (wilderness protection 1) and W-P (wetland preservation) districts. The ZA asks if the TPC feels that adding an office at that location would require a Conditional Use Permit, and presents architectural plans of proposed building. *ZA also points out error in her memo to the TPC: the Town Hall is not in Commercial District. However, that is where the MSD currently has its office space. Lengthy discussion ensues, focusing on past use of existing structure as office, the need for bathroom facilities, and public safety were the MSD offices and clerk to relocate to the site.*

*C. Brummer states that it's never been open to the public, they've always had a fence/chain out there. He doesn't have so much of a problem with Zach [Montagne, MSD*

*Superintendent] having a shop out there to work on things, but has more of an issue with Linda [Geier, MSD Clerk] and the file cabinets going out there, and then public going out there too, because God forbid someone drives into one of the ponds. If Zach or the sanitary district sees that that's a need, he has no problem, it's just the office space.*

*C. Baxter states that it gets away from being a public service and into something else.*

*Chair Pallas states that he worked out there 20 years ago with Joe [McCarthy, former MSD Superintendent] and there was an office and desk in there, Joe had his As-builts out there and everything was done out there. There wasn't a toilet. That's where his office was until he became Zoning Administrator and came here [Town Hall]. Everything being done out there is for the good of the plant and the people of the island, to general agreement. He agrees somewhat about Linda moving out there but other than that.... One of the things that the ZA mentioned here is that the plant is being upgraded because of the usage and that's not true: it's because of the state regulating the ammonium nitrate out there. We had to upgrade that plant otherwise it could've stayed the same way it is and we could still be dumping at the Marina.*

*R. Madich asks if people went out there when Joe was out there? Chair Pallas answers yes, but always with Joe taking them there.*

*J. Croonborg, ZA states that this is a use that has been established for a long time. When zoning ordinances are made, it is the goal not to create non-conformities. The 1972 ordinance does have a wastewater treatment plant shown in W-1, W-P. It has been a conditional use since then. But when uses are not continued for 12 months, that use is lost. There's a precedent of having an office out there, but it hasn't been out there for a long time. The TPC should look at making this as conforming as possible and consider the issue in the future while working on the Zoning Ordinance Revision Project.*

*Discussion regarding architectural plans. General agreement that there is no issue with Zach having an office, a place to work, a bathroom. The change of use would be regarding the offices, conference room, reception area. J. Croonborg, ZA asks if the TPC would feel more comfortable if the Sanitary District president come in and amend the plan that says office/conference to say superintendent, the reception to say entry?*

*R. Madich asks if perhaps the TPC should then approve only this, the current use. Then they could get the process started, the commencement of the building wouldn't get held up. He states that he doesn't think anybody would object. R. Madich states his opinion that this is a service we all need; this is a good idea, a good idea for all of us.*

*J. Croonborg, ZA asks if TPC would approve it only for the use that has been or is existing at the wastewater treatment plant; any use beyond what is current would require a Conditional Use Permit.*

Paul Brummer, a member of the MSD board, comments that he finds the proposed building unnecessary but is not opposed to the TPC approving the permit.

C. Brummer moves to approve the building permit at 949 Turdwhirler Ln [Snow Place Ln]. for use by the Madeline Sanitary District Superintendent and relief operator and storage of Madeline Sanitary District equipment only, not for public office space use. L. Whalen seconds.

All in favor, 4 aye, 3 abstain (Chair Pallas, C. Baxter, G. Thury). Motion carries.

- e. **Nelson, Gene RE: project at 197 Big Bay Rd LP#014-00470-0500, structural alteration.** Mr Nelson came to Town Hall around two weeks ago and stated that he understood he had undertaken a structural alteration at 197 Big Bay Rd and picked up a permit application, but hasn't turned application in. Chair Pallas states that he will speak to Mr. Nelson regarding permit application on Thursday 11/12.

## VI. Old Business

### a. Zoning Ordinance Revision Project

#### 1. Review and possibly revise 4.3.3 Non-Conforming Grandfathered Lots and Fauerbach correspondence dated 10/29/2009

Discussion of setbacks, nonconforming lots, special exemptions and related fees. Consensus to ask Attorney Fauerbach for a draft of this section of the ordinance for the TPC to be able to review, including what is legally defensible, but without specific percentages inserted. Chair Pallas will contact Mr. Fauerbach right away.

#### 2. Review and possibly revise 7.0 Conditional Uses

Agreement that Section 7 can be removed from ordinance as it will now be redundant (Conditional uses being covered elsewhere, in Section 8). Subsequent sections will be renumbered: Section 8 becomes Section 7, Section 9 becomes section 8, etc.

#### 3.

#### Review and possibly revise 8.4.2 Conditional Uses

- In 8.4.2.1A, delete last three sentences: ~~“Authorization by the zoning administrator is non-discretionary if a project meets the standards. Additional conditions on design or construction may not be imposed. A permitted use is authorized by land use permit.”~~
- In 8.4.2.1B, delete first sentence: ~~“The terms special exemption and conditional use are used synonymously.”~~
- In 8.4.2.2C, change section from  
*“Applications and supporting documents shall be submitted in twelve (12 copies) to the Zoning Administrator who shall receive the application and conduct a review and research of the application and documents. The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request. Within thirty (30) days of the date the Zoning Administrator receives a properly completed application, the Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues of considerations. Within ten (10) days after the Zoning Administrator’s completion of the review, the Zoning Administrator shall deliver the application and related materials to the Town Plan Commission for its review and consideration.”*  
To read: *“Applications and supporting documents shall be submitted in twelve (12) copies to the Zoning Administrator who shall receive the application and conduct a review and research of the application and documents. Within ten (10) days after the Zoning Administrator’s completion of the review receipt of the application, the Zoning Administrator shall deliver the application and related materials to the Town Plan Commission for its review and consideration. The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request. Within thirty (30) days of the date the Zoning Administrator receives a properly completed application, the Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues of considerations.”*

- In 8.4.2.2D, delete “Chair” from first sentence. Delete “four (4)” from second to last sentence.
- In 8.4.2.2F, change “ten (10)” to read “thirty (30).”
- In 8.4.2.2M, delete “the Circuit Court” and replace with “Board of Appeals.”
- Move the entirety of 8.4.2.2N to Section 14.0: Validity.

**4. Review and possibly revise 10.0 Zoning Board of Appeals**

Not discussed.

**VII. New Business**

**VIII. Future Agenda Items**

Zoning Ordinance Revision Project

- Section 4.4.3 Non-Conforming Grandfathered Lots
- Section 10.0 Zoning Board of Appeals

**IX. Schedule of Next Meeting**

Next regular monthly meeting will be Wednesday November 18, 2009 at 5pm. Work on Zoning Ordinance rewrite will be carried out at meeting.

**X. Adjournment**

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries.  
Meeting ends 7:05 PM.

**Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, Friday November 13, 2009.**

***Second Draft Town Plan Commission Minutes are respectfully submitted by Margaretta Kusch; ZCA upon request from the TPC for additional detail. Additions are in bold and italics. Second draft submitted Friday, November 20, 2009.***

**Town Plan Commission minutes are approved as amended by Margaretta Kusch; ZCA on Wednesday December 2, 2009.**